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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

MICHAEL E. ANDERER,

Plaintiff,

-VS-

C2 SYSTEMS, LLC, a Delaware limited liability company; **JOHN RUDD**; **STEPHEN A. BRYANT**; **KENDALL BRYANT**; **SUN TRUST BANKS, INC. DBA SUNTRUST BANK, ATLANTA**; **JP MORGAN CHASE BANK, N.A.**, a national bank; **CLAYTON B. McCULLOUGH**; **PRATT-THOMAS WALKER, P.A.** and **JOHN DOES I** through XX,

Defendants.

MOTION TO REMAND AND FOR THE JUST COSTS AND ANY ACTUAL EXPENSES, INCLUDING ATTORNEY FEES, INCURRED AS THE RESULT OF REMOVAL

Case No. 2:09cv00077

Honorable Dee V. Benson

Plaintiff Michael E. Anderer ("Anderer"), by and through his undersigned counsel, and pursuant to 28 U.S.C. § 1447(c), respectfully moves the Court for an Order remanding this

action to the Third District Court, Salt Lake County, State of Utah, Salt Lake Department, Scott M. Matheson Courthouse, 450 South State Street, P.O. Box 1860, Salt Lake City, Utah 84114-1860, and further respectfully requests that such order of remand require payment by the defendants of all of the just costs, and any actual expenses, including attorney fees, incurred as the result of the removal.

Grounds for this motion are that the notice of removal is defective in that the notice does not have attached to it the materials required by 28 U.S.C. § 1446(a) and that the notice fails to show that each of the named and served defendants in fact themselves consented or gave actual authority to any other person to consent on their behalf to removal and, finally, because the notice of removal fails to establish that the district courts of the United States have original jurisdiction over this action, as required by 28 U.S.C. § 1441(a).

This motion is supported by the accompanying memorandum and the entire file herein.

DATED this 2nd day of March, 2009.

PETERS | SCOFIELD
A Professional Corporation

/s/ David W. Scofield
DAVID W. SCOFIELD
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **MOTION TO REMAND AND FOR THE JUST COSTS AND ANY ACTUAL EXPENSES, INCLUDING ATTORNEY FEES, INCURRED AS THE RESULT OF REMOVAL** was served on March 2, 2009, by electronic transmission via the Court's CM/ECF notification system on the following:

Stuart H. Schultz
STRONG AND HANNI
3 Triad Center, Suite 500
Salt Lake City, Utah 84180
E-Mail: sschultz@strongandhanni.com

John R. Lund
P. Matthew Cox
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and served on March 2, 2009, by deposit in the United States mail, first class postage prepaid, addressed to the following:

Stephen A. Bryant
108 Forest View
Peachtree City, GA 30269

Kendall Bryant
108 Forest View
Peachtree City, GA 30269

C2 Systems, LLC
c/o Its Registered Agent
Business Filings Incorporated
108 West 13th Street
Wilmington, Delaware 19801

John Rudd
1807 Fontaine Court
Austin, Texas 78734

JP Morgan Chase Bank, N.A.
c/o Its Registered Agent
C T Corporation System
136 East South Temple, Suite 2100
Salt Lake City, Utah 84111

/s/ David W. Scofield
DAVID W. SCOFIELD